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Paper No. 5

HORIZON IP PTE LTD
166 Kallang Way
6th Floor
SINGAPORE 349249 SG SINGAPORE

JUN 14 2004

In re Application of
Raj Kumar JAIN
Application No. 10/065,212
Filed: September 26, 2002
Attorney Reference No. 2000P19188US

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DECISION ON PETITION

This is a decision on the petition filed September 17, 2003, requesting that the holding of abandonment in the above-identified application be withdrawn.

The petition to withdraw the holding of abandonment is **GRANTED**.

A non-final Office action was mailed on December 5, 2002, setting forth a three-month period of response. The application became abandoned on March 6, 2003 by operation of law.

Petitioner states that the non-final Office action was never received by applicant's representative and attests to the fact that a search of the file jacket and docket records indicates that the non-final Office action was not received. The petition is accompanied by a copy of the docket record where the non-received action would have been entered.

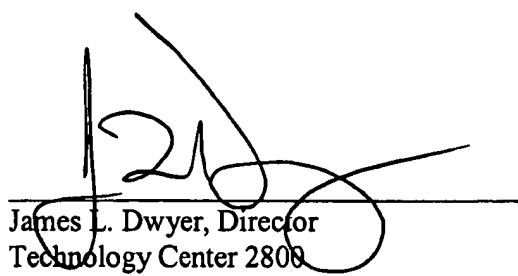
Pursuant to M.P.E.P. §711.03(c), it is the petitioner's burden to demonstrate that the non-final Office action was not in fact received at the correspondence address of record at the time it was mailed. The showing required to establish the failure to receive an Office action must include a statement from the practitioner stating that the Office action was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received. A copy of the docket record where the non-received Office action would have been received had it been received and docketed must be attached to and referenced in the practitioner's statement. See "Withdrawing the Holding of Abandonment When Office Actions Are Not Received" 1156 Official Gazette 53 (November 16, 1993) and M.P.E.P. §711.03(c),

Applicant has provided the required statement attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received. Further, applicant has provided a copy of the docket record where the non-received Office action would have been entered had it been received and docketed.

Since applicant has made the requisite showing required under M.P.E.P §711.03(c), the holding of abandonment is withdrawn.

The application file is being forwarded to the Technical Support staff for re-mailing the non-final Office action. The shortened period for response set therein will be reset to expire three months from the date the Office action is remailed.

Questions regarding this decision should be directed to Jose' G. Dees at (571) 272-1569.



James L. Dwyer, Director
Technology Center 2800
Semiconductor, Electrical and Optical
Systems and Components

Appl. No. 10/065,212
Petition to Withdraw Holding of Abandonment dated September 17, 2003

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/065,212 Confirmation No. : 8176
Applicant : Raj Kuman JAIN
Filed : September 26, 2002
TC / A.U. : 2818
Examiner : Thong Quoc LE
Docket No. : 2000P19188US
Customer No. : 031366 Dated : September 17, 2003
Title : Multi-Port Memory Cells

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PETITIONS OFFICE

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being
facsimile transmitted to the United States Patent and
Trademark Office, Alexandria, VA 22313-1450 on
September 17, 2003.

Signed: Wendy LIM

Wendy LIM 05 2003

Attention: Office of Petitions
Mail Stop Petition
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ALEXANDRIA, VA 22313-1450
FAX: (703) 308-6916

OFFICE OF THE COMMISSIONER
PROGRAMS EXAMINER

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 CFR § 1.181(a)

Sir:

This petition is submitted pursuant to 37 CFR § 1.181(a) to withdraw the holding of abandonment based on failure to receive the Office Action in the above-identified application (Application). The Application became abandoned for failure to timely file a proper reply to an Office Action mailed on December 5th, 2002 (Action). The Notice of Abandonment (Notice) was mailed on July 25th, 2003. See Exhibit A. Since this petition is filed within two months of the mailing date of the Notice, Applicant submits that this petition timely submitted.

Appl. No. 10/065,212

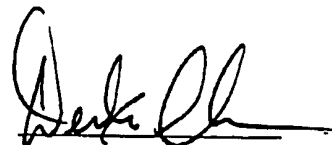
Petition to Withdraw Holding of Abandonment dated September 17, 2003

I, Dexter K. Chin, am attorney for the Applicant. I state that I did not receive the Action. This fact is further supported by a search of the file jacket and docket records. A copy of the docket record where the non-received Action would have been entered is attached herewith as Exhibit B. The docket record shows all Office communications received and docketed within a period of about 6 months around the mail date of the Action, indicating that the Action was never received. Applicant submits that one reason why the Action was not received may have been due to the heavy volume of mail which typically coincides with the Holiday Season.

Since the Action was never received, Applicant respectfully requests the withdrawal of the holding of abandonment and the re-mailing of the Action. It is believed that no fees are due associated with the filing of this petition. The Commissioner, however, is authorized to charge any fees or credit any overpayment to Deposit Account No. 50-2388.

Dated: September 17, 2003

Respectfully submitted,



Dexter CHIN
Attorney for Applicant
Reg. No. 38,842

Horizon IP Pte Ltd
166 Kallang Way
6th Floor
Singapore 349249
Tel.: (65) 9836 9908
Fax.: (65) 6746 8263

EXHIBIT A (Pg 1 of 2)



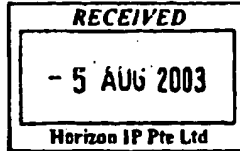
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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,212	09/26/2002	Raj Kumar Jain	2000P19188US	8176

31366 7390 07/25/2003

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166 KALLANG WAY
SINGAPORE 349249
SINGAPORE, 349249
SINGAPORE



EXAMINER.

LB, THONG QUOC

ART UNIT PAPER NUMBER

2818

DATE MAILED: 07/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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EXHIBIT A (Pg 2 of 2)

Notice of Abandonment	Application No.	Applicant(s)	
	10/065,212	JAIN, RAJ KUMAR	
	Examiner	Art Unit	
	Thong Q. Le	2818	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 05 December 2002.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:


Thong Q. Le
Primary Examiner
Art Unit: 2818

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

PTO/SB/97 (05-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

on September 17, 2003
Date

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Wendy

Signature

Wendy LIM

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

- a) Transmittal Form
- b) Petition to Withdraw Holding of Abandonment for US Patent Application Number 10/065,212
- c) Notice of Abandonment mailed on July 25, 2003 (Exhibit A)
- d) A copy of Docket Record (Exhibit B)

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

CERTIFICATE OF TRANSMISSION

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Signed: _____

Wendy

Wendy LIM

Facsimile Transmission Cover Sheet

Recipient: Mail Stop Petition
Office of Petitions

Examiner Thong Quoc LE
Art Unit 2818

Fax: (703) 308 6916
Tel: (703) 305 9282

Sender: Dexter CHIN
Horizon IP Pte Ltd
Office (65) 9836 9908

Subject Matter: US Patent Application Number: 10/065,212
Petition to Withdraw Holding of Abandonment

Total Pages (including cover sheet): 8 pages

Attachments:

- a) Certificate of Transmission
- b) Transmittal Form
- c) Petition to Withdraw Holding of Abandonment
- d) Notice of Abandonment mailed on July 25, 2003 (Exhibit A)
- e) A copy of Docket Record (Exhibit B)

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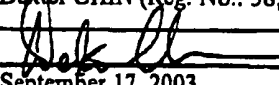
PTO/SB/21 (05-03)

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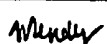
TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/065,212
	Filing Date	September 26, 2003
	First Named Inventor	Raj Kumar JAIN
	Art Unit	2818
	Examiner Name	Thong Quoc LE
	Attorney Docket Number	2000P19188US
Total Number of Pages in This Submission		8

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks 1) Petition to Withdraw Holding of Abandonment 2) Notice of Abandonment mailed on July 25, 2003 (Exhibit A) 3) A copy of Docket Record (Exhibit B)		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm or Individual name: Dexter CHIN (Reg. No.: 38,842) Signature:  Date: September 17, 2003		

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Typed or printed name	Wendy LIM
Signature	
Date	September 17, 2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Appl. No. 10/065,212

Petition to Withdraw Holding of Abandonment dated September 17, 2003

EXHIBIT B (Pg 1 of 1)

US Application No.	Docket No.	Type of Communications	Mailing Date	Date Received	Date Responded
09/855,151	2000P 19163 US	Office Action (Non-Final)	October 7, 2002	October 11, 2002	January 6, 2003
10/131,364	2000P 19334 US 01	Office Action (Non-Final)	October 15, 2002	October 28, 2002	January 15, 2003
09/905,208	2001P 12200 US	Office Action (Non-final)	October 25, 2002	October 28, 2002	February 25, 2003
09/855,163	2000P 19164 US	Notice of Allowance and Fee(s) Due	November 13, 2002	December 11, 2002	February 11, 2003
10/103,278	12205/4	Office Action (Final)	November 21, 2002	November 26, 2002	February 11, 2003
10/134,071	12205/10	Notice of Allowance and Fee(s) Due	December 18, 2002	January 21, 2003	March 12, 2003
10/165,122	2002P 03038 US	Office Action (Non-final)	December 19, 2002	January 2, 2003	March 10, 2003
10/103,360	12205/5	Notice of Allowance and Fee(s) Due	January 22, 2003	January 27, 2003	March 31, 2003
10/064,983	2002P 13943 US	Office Action (Non-Final)	January 29, 2003	February 11, 2003	April 25, 2003
10/248,253	2002P 12444 US	Notice to File Missing Parts	February 3, 2003	February 12, 2003	March 12, 2003
10/248,232	2001P 19566 US	Notice to File Missing Parts	February 4, 2003	February 13, 2003	March 12, 2003
10/248,233	2001P 23910 US	Notice to File Missing Parts	February 10, 2003	February 18, 2003	April 8, 2003
10/161,908	12205/20	Office Action (Non-Final)	February 12, 2003	March 3, 2003	April 30, 2003
10/131,364	2000P 19334 US 01	Office Action (Non-Final)	February 21, 2003	March 20, 2003	May 14, 2003
10/065,213	2000P 19159 US	Office Action (Non-Final)	February 28, 2003	March 10, 2003	May 22, 2003
09/855,151	2000P 19163 US	Office Action (Non-Final)	March 12, 2003	March 24, 2003	March 31, 2003

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D.M.